MODEL ORDINANCE – EDIT FOR LOCAL NEEDS

ORDINANCE XXX

AN ORDINANCE OF THE CITY OF ANYTOWN, TENNESSEE

AMENDING TITLE 7 OF THE CODE OF ORDINANCES

LIMITING FLAMMABLE LIQUID, GAS, AND HAZARDOUS MATERIALS CARRIERS TO CERTAIN TRUCK ROUTES

WHEREAS, the City of Anytown has determined that the health, safety, and welfare of the residents of the City of Anytown are promoted by providing for the safe transportation of hazardous materials on public roads through the City of Anytown; and

WHEREAS, the City of Anytown desires to restrict the transportation of hazardous materials through the city limits of Anytown so as to provide minimal risk to residential areas, and other areas of significant life risk, and

WHEREAS, the City of Anytown already has regulations pertaining to the transportation of gasoline, a hazardous material, by gasoline tank trucks within the city limits; and

WHEREAS, the City of Anytown desires to further reduce the risk to the community by regulating the transportation on public roads of other hazardous materials as well; and

WHEREAS, the City of Anytown is authorized to pass this Ordinance pursuant to its police powers.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of Anytown as follows:

SECTION 1. Title 7 of the City of Anytown Code of Ordinances is amended by adding the following new sections, to be codified appropriately upon adoption.

7-401. Hazardous Materials Carrier Defined. As used in this section, the term hazardous material carrier shall mean all explosive, radioactive, corrosive, hazardous materials, flammable liquid, combustible liquid, and gas carriers, and any vehicles required to display United States Department of Transportation (DOT) placards.

7-402. Hazardous Material Defined. As used in this section, the term hazardous material shall mean any material or combination of materials which, because of its quantity, concentration, or physical, chemical, biological, or infectious characteristics, poses a substantial present or potential hazard to human health, or safety, or the environment, if released into the workplace, or environment, or when improperly treated, stored, transported, or disposed of, or otherwise managed.

7-403. Exceptions.

1. The provisions of this section shall not apply to any container which shall have a capacity of 150 gallons or less which shall be used for the purpose of supplying fuel for the vehicle on which it is mounted.
2. The provisions shall not apply to trucks delivering to or returning from construction sites where it is not possible to use a designated truck route, or to trucks delivering merchandise to or from local businesses, or local residences, or established truck terminals, or traveling to or from garages, if said travel or delivery is made by the most direct route. Any deviation from the designated routes must be for a legitimate business or work related purpose.
3. These provisions shall not apply to vehicles, trailers, containers, or tanks containing anhydrous ammonia, or other material primarily used by farmers for fertilizer purposes, when such vehicles, trailers, containers, or tanks are parked or housed upon property designated for the placement of such vehicle, trailer, container, or tank by any farmers cooperative or farm supply store located within the city limits

7-404. Transportation of Hazardous Materials. Except as provided in Section 7-405, it shall be unlawful for any person, firm, company, corporation, or other entity to transport any hazardous material upon any street, avenue, highway, road, alley, or any other public right-of-way in the city.

7-405. Hazardous Materials Routes. The provisions of Section 7-406 shall apply to all streets, avenues, highways, roadways, alleys, or other public right-of-ways within the city, except those specified within this section, where transportation of hazardous materials shall be allowed. Transportation of hazardous materials shall be allowed upon the following streets, avenues, highways or roadways in the city:

The city will need to verify and insert all legitimate hazardous materials routes here.

(a) Calamity Creek Highway

(b) Disaster Drive between Liberty Highway and Interstate 65

7-406. Parking of Vehicles or Trailers Carrying Hazardous Materials. No hazardous material truck, truck trailer, or vehicle as defined in Section 7-401, shall be allowed to be parked on the public streets in a residential area, or on the designated routes listed in Section 7-405, except while actually loading or unloading. In no event shall the truck, truck trailer, or vehicle remain parked for longer than two (2) hours.

7-407. Removal of Illegally Parked Trucks, Truck Trailers, or Vehicles. If any truck, truck trailer, or vehicle, as defined in Section 7-402, is found parked in violation of the provisions of this ordinance, the fire chief, the fire chief’s authorized representative, or any law enforcement officer may require the owner, operator, or lessee of the truck, truck trailer, or vehicle to move it within two hours. If such removal is not accomplished on the order of any such officer, it may be accomplished by any such officer, by any reasonable means, if the continued presence of the truck, truck trailer, or vehicle at its parked location constitutes, adds to, or prevents correction of a situation threatening imminent injury or damage to persons or property. Such removal shall be at the expense of the owner, operator, or lessee of the truck, truck trailer, or vehicle.

SECTION 2. Each section, subsection, paragraph, sentence and clause of this ordinance is hereby declared to be separable and severable. The validity of any section, subsection, paragraph, sentence, or clause shall not be affected by the invalidity of any other portion of this ordinance, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted wherefrom.

SECTION 3. This ordinance shall take effect upon final passage, the public welfare requiring it.

First Reading:

Second Hearing:

Third Reading:

Approved as to form:

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City Attorney

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Mayor

ATTEST:

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City Recorder